

Appl. No. : **10/600,145**
Filed : **June 19, 2003**

REMARKS

Applicants have amended the application as set forth above. Specifically, Claims 7, 14 and 23 have been amended. The withdrawn claims, Claims 27-31, have been canceled without prejudice. Upon entry of the amendments, Claims 1-26 remain pending in this application. No new matter is added by the amendments as discussed below. Applicants respectfully request the entry of the amendments and reconsideration of the application in view of the above amendments and the following remarks.

Response to Notice of Non-Compliant Amendment

The Notice of Non-Compliant Amendment dated February 12, 2008 stated that the October 11, 2007 Amendment and Response had an incorrect status identifier for Claim 15. In the October 11, 2007 Amendment and Response, Claim 15 had the status identifier of “(Previously Presented),” which is incorrect. In this filing the status identifier of Claim 15 has been changed to “(Currently Amended).”

Discussion of Amendments

The specification has been amended to include SEQ ID NOs: 19, 20 and 21 in Paragraphs [0020] and [0041] in compliance with 37 C.F.R. §1.821. Claim 7 has been amended to include reference to SEQ ID NO:17. Claim 14 is amended to replace the term “comprises” with “is”. Claim 23 is amended to remove informalities associated with improper antecedent basis. Applicants respectfully submit that the amendments are fully supported by the application as originally filed and do not constitute the addition of new matter. Applicants respectfully request the entry of the amendments.

Amendment to Sequence Listing

The sequence listing has been amended to include SEQ ID NOs: 19, 20 and 21 as included in Paragraphs [0020] and [0041] of the specification. Specifically, the sequence for the enterokinase recognition site in Paragraph [0020] (Asp-Asp-Asp-Asp-Lys) has been added as SEQ ID NO:19; the sequence for the IgA protease recognition site in Paragraph [0020] (Pro/Ser-Arg/Thr-Pro-Pro-Thr/Ser/Ala-Pro) has been added as SEQ ID NO:20; and the sequence for the N-terminal amino acids of β -endorphin (Tyr-Gly-Gly-Phe-Met-Thr-Ser-Glu-Lys) has been added

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as SEQ ID NO:21. Applicants respectfully submit that the amendments are fully supported by the application as originally filed and do not constitute the addition of new matter. Applicants respectfully request the entry of the amendments.

Discussion of Rejection of Claims under 35 U.S.C. §112, Second Paragraph

The Examiner rejected Claims 7, 14 and 23 under Section 112, second paragraph. Applicants respond to the Examiner's comments as follows:

With regard to Claim 7, the Examiner objected to recitation of "an amino acid sequence comprising the sequence for β -endorphin" as being indefinite. Applicants respectfully disagree and submit that the recitation is definite. However, solely to facilitate early issuance of a patent, Applicants have amended Claim 7 to recite "an amino acid sequence comprising SEQ ID NO:17." Applicants respectfully submit that the amendment addresses the Examiner's concern.

With regard to Claim 14, the Examiner asserted that the recitation of "wherein said microorganism comprises..." is vague and indefinite. Applicants respectfully disagree and submit that the recitation is definite. However, solely to facilitate early issuance of a patent, Applicants have amended Claim 14 to recite "wherein said microorganism is..." Applicants respectfully submit that the amendment addresses the Examiner's concern.

With regard to Claim 23, the Examiner asserted that there is insufficient antecedent basis for the recited "OmpF fusion protein" and "media" limitations in the claims. In reply, Applicants have amended Claim 23 to recite "fusion protein" and "medium" in the claims. Applicants respectfully submit that the amendment addresses the Examiner's concern.

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CONCLUSION

The Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claim set are presented above.


In view of the above remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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